IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

Crl.Rev.Pet.No. 1747 of 2007()

AGAINST THE ORDER DATED 04/12/2006 IN ORDER IN CMP.4510/2005 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

.....

REVN. PETITIONER:

T.HASSAINAR, S/O.T.H.BAVA,
AGED 46, BAVA GAS AGENCY,
BAFA,BUILDING NORTH KALAMASSERY,
ERNAKULAM DISTRICT.

BY ADV. SRI.K.C.ELDHO

RESPONDENTS:

---

1. PRASANTH NELLIANIKUNNEL,
S/O.RAMANKUTTY, NELLIANIKUNNEL,
EZHACHERY P.O.,RAMAPURAM,
KOTTAYAM.

2. STATE OF KERALA REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

==========

CRL. R.P. NO. 1747 OF 2007

==========

Dated this the 25th day of May 2007

O R D E R

The revision petitioner/complainant, who had initiated proceedings under Section 138 of the Negotiable Instruments Act, had sought for condonation of delay of 11 days. The court below dismissed the application for condonation of delay as the complainant happened to be absent on the date of posting. It is also noted that no steps have been taken. It is submitted by the revision petitioner that there was no regular posting as the case bundle was misplaced and he was not aware of the proceedings.

2. In the circumstances and considering the stakes involved, the order of the court below is set aside. The court below is directed to permit the petitioner to further pursue the matter. The revision petitioner shall appear before Chief Judicial First Class Magistrate Court, Ernakulam on **15.06.2007**.

The Crl.R.P is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

rv